

"Surveillance Practices and Procedures"

H. R. 141                      Referred to Judiciary Committee  
[Kastenmeier]

This bill amends Chapter 119, Title 18 respecting wire and oral communications interception. It accomplishes three major changes:

1. It strikes out 18 U.S.C. 2511(3), a section which exempts the President from the restrictions of Chapter 119 when exercising his constitutional power to take such measures as he deems necessary to protect the Nation against potential attack, to obtain foreign intelligence information, to protect national security information, to protect the United States against the overthrow of the Government by force.

2. It amends 18 U.S.C. 2516 to permit the Attorney General to authorize an application to a Federal judge for an order approving the interception of an individual's communications where there is probable cause to believe that the individual is a foreign agent. A foreign agent is a person engaged in activities which, in the opinion of the Attorney General, (1) are intended to serve the interests of a foreign government, a foreign political party, a person outside--and not domiciled within--the U.S., a foreign organization, a domestic organization which has its principle place of business abroad; and (2) undermine the security or national defense of the U.S. Such an application may be granted only in conformity with the strict requirements of 18 U.S.C. 2518.

[These provisions effectively restrict communications interception to counterintelligence operations; and subject all such cases to a "probable cause" standard in 18 U.S.C. 2516 and the rigorous requirements of 18 U.S.C. 2518.]

3. It amends 18 U.S.C. 2519 to require the Attorney General to report quarterly to the Senate Judiciary and Foreign Relations Committees and the House Judiciary and Foreign Affairs Committees the details of all applications for communications interception. It further provides that the President, Attorney General, and all departments and agencies of the United States shall supply the named Committees any information regarding any interceptions made or applied for.